***THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

***W.P.No.20971 of 2005***

***Date:16.12.2005***

Monalisa Dash.

--------PETITIONER

The Chairman, Under Graduate Admission Committee, NTR University Health Sciences, Vijayaywada and another.

---------RESPONDENTS

**ORDER:**

The petitioner appeared in EAMCET 2005 with an object of securing admission into I-Year MBBS Course. She stood at rank No.4313. With that rank, she was not able to get admission in the usual course. The petitioner is the daughter of an ex-serviceman. She made a claim to be considered against the seats reserved in favour of the Children of Armed Personnel (CAP). The petitioner states that she has not been admitted, though several candidates with less meritorious ranks have been admitted into MBBS and BDS Courses.

The petitioner states that the respondents violated the Rules of Admissions, particularly Clause (11.6) of the Prospectus, by permitting the candidates belonging to SC, ST and BC categories to be admitted against the seats reserved in favour of CAP category. It is also urged that even the available seats were not offered to her.

In the counter affidavit filed on behalf of the respondents, it is stated that Clause (11.6) of the Prospectus was implemented in its letter and spirit, and the petitioner was not denied the admission, on account of exercise of such options by the candidates belonging to reserved categories. They have also filed before this Court, the various lists prepared for this purpose.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The 2nd respondent-University earmarked 1% of available seats, for the Children of Armed Personnel. The eligibility and the priority, in which the cases of such candidates are to be considered, is also stipulated under Clause (7.4) of the Prospectus. All applications under this category are required to be forwarded to the Director of Sainik Welfare Board, who, in turn, would arrange them in the order of priority. The petitioner was arranged in priority No.4. In fact, out of 323 candidates, only one candidate was placed in Priority No.2, three candidates in priority No.3 and the rest were in priority No.4.

It is true that Clause (11.6) of the Prospectus mandates that where a candidate is entitled to be admitted on the basis of his/her social status as well as in the capacity of a Child of Armed Personnel, or a sportsman etc., his/her case shall be considered on the basis of social status only. In implementing this provision, the respondents took the view that the seats must be of the same category and not of different categories. It was illustrated by stating that if a candidate belongs to BC category, and he is eligible to be admitted against a payment seat, on the basis of social status, but against a free seat, as a Child of Armed Personnel, Clause (11.6) of the Prospectus does not come into operation.

A perusal of the record placed before this Court by the learned Standing Counsel obviates the necessity for this Court to address the question as to whether the view taken by the respondents on interpreting Clause (11.6) is correct. By the time, the turn of the petitioner came for admission against the CAP category, 3 seats in MBBS Course were available in 'B' category, for which an amount of Rs.1,60,000/- is to be paid as fee. The petitioner was given an 'Option Form' to indicate the priority of her college, course etc. However, she endorsed 'no option' and left the entire form blank. It was under these circumstances that the respondents have slided down in the list of available candidates and admitted other willing candidates against those seats. Once the

petitioner has not chosen to indicate any option for seat or college, the respondents were virtually left with no option, except to admit the candidates, who are next in the merit list. Therefore, this Court does not find any basis to grant any relief to the petitioner.

Hence, the Writ Petition is dismissed. There shall be no order as to costs.

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**16.12.2005**

**Jsu**